

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>HANOVER PREST-PAVING CO. t/a</b>	<b>:</b>	<b>CIVIL ACTION NO. 1:21-CV-806</b>
<b>HANOVER ARCHITECTURAL</b>	<b>:</b>	
<b>PRODUCTS,</b>	<b>:</b>	<b>(Judge Conner)</b>
:		
<b>Plaintiff</b>	<b>:</b>	
:		
<b>v.</b>	<b>:</b>	
:		
<b>TILE TECH, INC.,</b>	<b>:</b>	
:		
<b>Defendant</b>	<b>:</b>	

**ORDER**

AND NOW, this 11th day of May, 2022, upon consideration of defendant's motion (Doc. 29) to dismiss and to strike pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Defendant's motion (Doc. 29) to dismiss is DENIED.
2. Defendant's motion (Doc. 29) to strike is GRANTED. Plaintiff's requests for disgorgement and statutory damages are stricken.
3. Plaintiff may file a second amended complaint consistent with the accompanying memorandum and this order within 14 days. In the absence of a timely filed second amended complaint, this action shall proceed on the amended complaint. (See Doc. 27).

4. Defendant's deadline to respond to the amended complaint (Doc. 27) under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 14-day amendment period set forth in paragraph 3 above.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania